

Date 12/3/91

Permit No. 91-143

TOWN OF ACTON

APPLICATION FOR PERMIT TO CONSTRUCT WITHIN A PUBLIC WAY

This application must be submitted not less than five (5) days prior to any Construction within a public way.

Notice 24 hours in advance of any construction must be given to the Town Engineer.

1. Permittee: KALAWARHI HOMES Address: 553 MAIN STREET/ NASHUA
- 1A. Telephone #: 603-883-0700
2. Location of Proposed Construction: LOTS 1 & 2 MAIN ST
3. Purpose of Construction: TO BLD SINGLE FAMILY RES
4. Length of Cut: 12.00' (approx)
5. Width of Cut: 3'
6. Width of Existing Pavement: 10'
7. Type of Existing Roadway Surface: ASPHALT Type of Curb: ---
8. Type of Existing Sidewalk Surface: --- Type of Shoulder: ---
9. Date of Street Opening: From 12/4/91 To AS BLD COMPLETES
10. For Work Involving Excavations: Dig Safe Number ---

I, the undersigned, hereby declare that I have read and agree to the Town of Acton Specifications for Regulating Construction with Public Ways dated August 3, 1982. I have deposited the required bond with the Town of Acton, and I covenant and agree that the Town may deduct from this amount the cost of repairs to the road surface, curbs, shoulders, walls or other features within the right-of-way including replacing bounds if not completed by me to the satisfaction of the Town Engineer within the specified time.

Special Instructions:

Signature of Applicant: Peter G. Kalawarhi

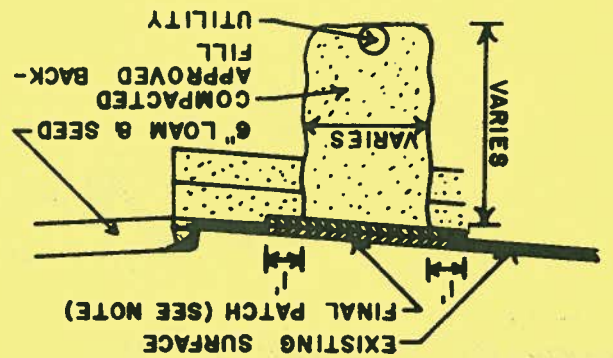
Permit Issued: Date 12/4/91 By: Dennis P. Ruy

Application Denied: Date 12/4/91 By: Dennis P. Ruy

Work Inspected and Approved: Date --- By: ---

(over)

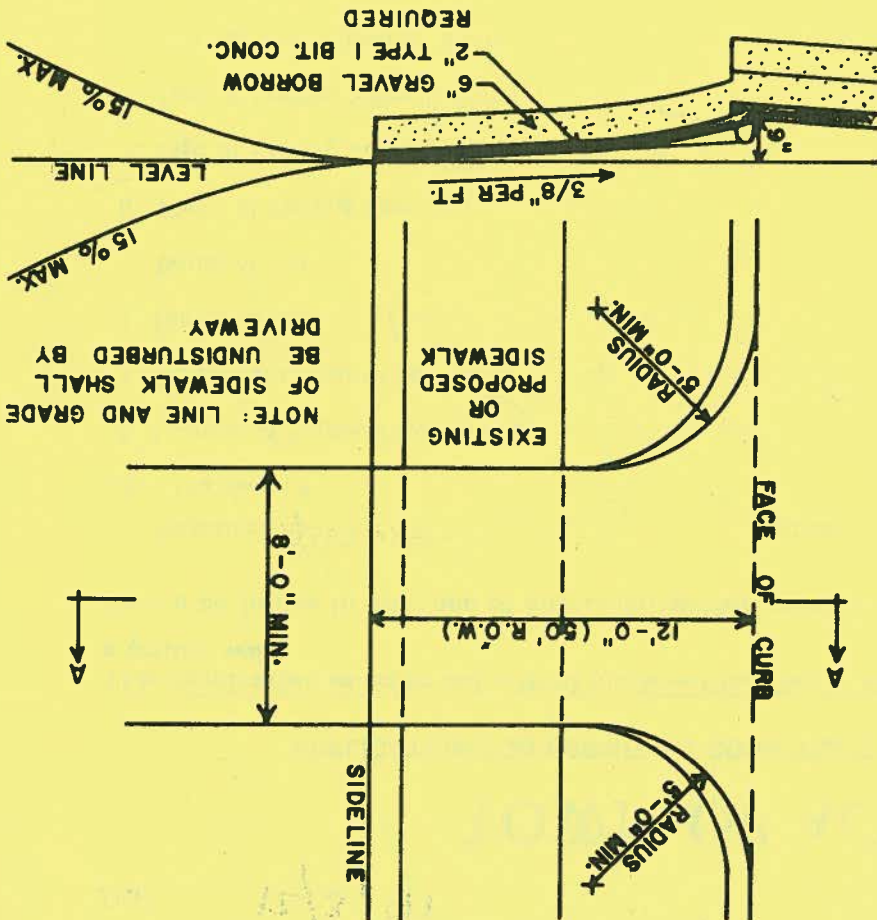
TOWN OF ACTON TYPICAL DRIVEWAY 8 TRENCH DETAIL FEB. 1969 NO SCALE



NOTE: 1. FINAL PATCH DEPTH
3" OIL TREATED ROADS
4" BIT. CONC. ROADS
2. SEE SPECIFICATIONS FOR
FURTHER REQUIREMENTS

SKETCH

SECTION A-A



Date.....12/3/91.....

Permit No.....91-143.....

TOWN OF ACTON

APPLICATION FOR PERMIT TO CONSTRUCT WITHIN A PUBLIC WAY

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1. Permittee: KAVANAGH HOME Address: 555 MAIN STREET B1/NASH
1A. Telephone #: 617-886-0700
2. Location of Proposed Construction: LOT 142 MAIN ST
3. Purpose of Construction: TO CON. SINGLE FAMILY RES.
4. Length of Cut: 1.5' x 1.5' x 1.5'
5. Width of Cut: 3'
6. Width of Existing Pavement: 10'
7. Type of Existing Roadway Surface: ASPH/CON Type of Curb: ---
8. Type of Existing Sidewalk Surface: --- Type of Shoulder: ---
9. Date of Street Opening: From 12/3/91 To 12/3/91
10. For Work Involving Excavations: Dig Safe Number ---

I, the undersigned, hereby declare that I have read and agree to the Town of Acton Specifications for Regulating Construction with Public Ways dated August 3, 1982. I have deposited the required bond with the Town of Acton, and I covenant and agree that the Town may deduct from this amount the cost of repairs to the road surface, curbs, shoulders, walls or other features within the right-of-way including replacing bounds if not completed by me to the satisfaction of the Town Engineer within the specified time.

Special Instructions:

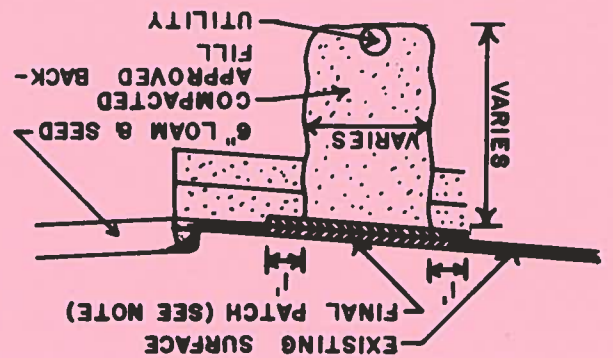
Signature of Applicant: Peter G. Kavanagh

Permit Issued: Date By:

Application Denied: Date 12/4/91 By: Dennis P. King

Work Inspected and Approved: Date By:

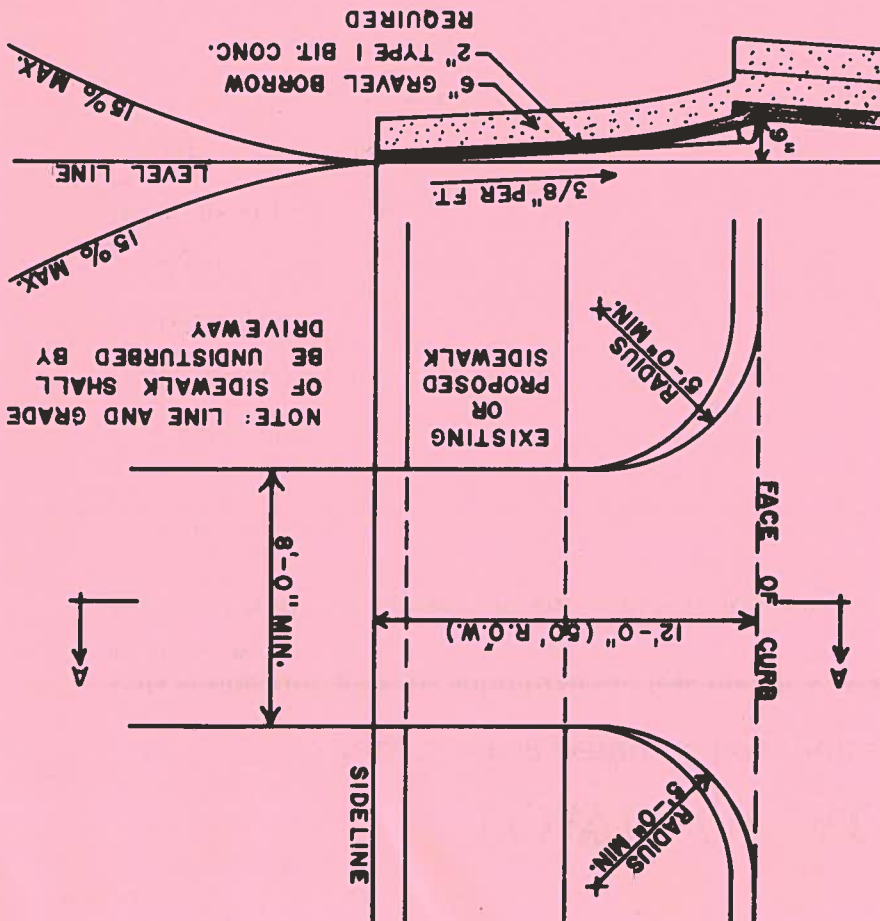
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SKETCH

SECTION A-A



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

RECEIVED
NOV 27 1991
ACTON ENGINEERING DEPT.

DATE: Nov. 26, 1991

TO: David Abbt, Engineering Administrator ✓
Dick Howe, Highway Superintendent

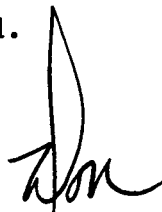
FROM: Don P. Johnson, Town Manager

SUBJECT: Street Cut Request

Enclosed is a written application from Kavanagh Homes, Inc. requesting special approval to cut Main Street for a water service. Mr. Kavanagh appealed to the Board of Selectmen last Tuesday, seeking their approval.

Ultimately, the Board informed Mr. Kavanagh that they would not consider a verbal request and suggested that he put it in writing, for staff review and comment, before they would give it serious consideration. This letter is in response to the Board's direction. It was received in my office today, Nov. 26, leaving little time to process it for the next Selectmen's meeting on Dec. 3. (The packet has to go out tomorrow due to the Thanksgiving Holiday.) Please provide your comments and recommendations in time for the packet, if possible. If not, I will present them Tuesday evening.

Finally, it is my understanding that my recommendation to the Board may not have been accurately relayed to one or both of you. For the record, I unequivocally recommended against approval, as I had informed Mr. Kavanagh I would.



To: The Acton Board of Selectmen

I am Writing to formally request permission for Kavanagh Homes, Inc., to cut into the road at 521 Main Street. The purpose of this road cut is to tap into the water main to service these two lots.


I am fully aware of the town ordinances which state that there be no street openings issued after the 15th of November. However, I presently have one Buyer for the above mentioned lots who are anxious for the work to begin.

This is my second request to the Board for permission to open the road, the first being at the November 19th Selectman's meeting. I then stated that after speaking with Richard Howe, the superintendant of the highway dept. (on that same day) he indicated that he had no problem with the opening of the street within the next couple of weeks. Due to the recent favorable weather conditions there is no frost in the ground. His only concern was that I patch the road on the same day that the work is completed. The Water Department has also indicated to me that they are willing to cooperate if permission to begin the work is granted.

In order for the project to be cost effective and efficient it is most important that the work begin at the entrance so I can work my driveway and bring my utilities along the same time due to the topography of the land. The estimated time for completion of this home is sixty days.

I trust you will consider my application carefully and grant permission for the work to begin.

Respectfully,


Peter G. Kavanagh
Kavanagh Homes, Inc., Pres.

603-883-0700

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager
FROM: David F. Abbt, Engineering Administrator
SUBJECT: Street Cut Request
Kavanaugh, 521-523 Main Street

DATE: 12/2/91

D. Abbt

The Town's "Specifications for Regulating Construction within Public Ways" Section 2.1.5 (Seasonal Limits for Construction) prohibits cutting paved road surfaces between November 15 and March 15 except in the case of an emergency repair to an existing facility. The reason for this seemingly early cut-off date is to give the applicant sufficient time to schedule the work and complete the pavement patching prior to the shut-down of the asphalt plants in early December.

We have carefully considered Mr. Kavanaugh's request for an extension of this deadline and we feel that his reasons do not justify granting this request. We offer the following reasons for our recommendation:

1. As stated above, a strict interpretation of the specifications says that only emergency repairs to an existing facility warrant cutting the pavement after the deadline. Mr. Kavanaugh's request fails to meet both of these criteria.
2. We recognize that there are situations when strict interpretation of the specifications will create considerable hardship on the applicant if the deadline for opening the street were not extended. It has been the policy of this department to favorably recommend an extension only when the situation involves a nearly completed dwelling which is ready for occupancy. We would in turn require a performance deposit above and beyond the normal deposit to ensure that any work would be completed in accordance with the specifications. In Mr. Kavanaugh's case, construction has not even begun. In fact, until last week, he had not even applied for a building permit. As of the writing of this memo, he has not applied for, posted the bond, or paid a fee for this permit to construct within a public way.
3. In Mr. Kavanaugh's written request to the Board of Selectmen he sites cooperation from the Highway Department and Water District, favorable weather conditions, driveway construction technique and sixty day completion of the houses as reasons to issue this permit. In our discussions with the Highway Superintendent we found him to have quite a different view on this subject. The Highway Superintendent stated that he had no problem provided that Mr. Kavanaugh obtain the necessary permission from the Board of Selectmen and that measures were taken to guarantee the

repairs would be adequate. The Water District's interest is only in making the connection to the water main, not in the condition of the road afterwards, therefore their willingness to cooperate has no bearing on this matter. As far as the weather is concerned, it is the unpredictability of the weather that make us reluctant to allow a street opening this late in the year. A permit issued on any given day could result in an open trench during a snowstorm the next day. In addition, potential complications with finding the water main, breaking it, etc. could delay a patch for several days. At 18,000 vehicles per day, cutting a water service trench in Main Street during fall/winter weather is a potential liability the Town should not be opening themselves up to. Finally, Mr. Kavanaugh's driveway construction and projected completion time are not valid reasons for extending the deadline. Sixty days to construct a house is an extremely optimistic time frame assuming the site work is complete, the foundation is in place and the weather cooperates. From personal experience and professional knowledge, we would assume 90 to 120 days to be more realistic. As for the driveway, we don't see any reason that Mr. Kavanaugh can't install the water service from the road shoulder to the house and reserve making the final connection to the water main until next spring.

Based on these reasons, we strongly recommend against extending the November 15 deadline. If you have any questions or need additional information on this matter, please let us know.

